

## **1988 Noncode Acts**

### **1987-382-27**

SECTION 27. (a) Notwithstanding IC 21-3-1.6, and subject to the amount appropriated by the general assembly for funding state tuition support, the state distribution for calendar year 1988 for tuition support to each school corporation equals the result determined in SECTION 37(b) of this act.

(b) Using the following formula, determine the school corporation's total available revenue for 1987, including state tuition support, property taxes, and money for new facilities, but excluding any increase in the school corporation's maximum general fund ad valorem property tax levy for taxes first due and payable during calendar year 1987 that is attributable to a decrease in federal aid to impacted areas:

STEP ONE: Add:

- (A) total state distribution for tuition support that the school corporation actually received in the 1987 calendar year; plus
- (B) the maximum general fund ad valorem property tax levy the school corporation may impose by law for taxes first due and payable during calendar year 1987.

STEP TWO: Subtract:

- (A) the STEP ONE sum; minus
- (B) any increase in the school corporation's maximum general fund ad valorem property tax levy for taxes first due and payable during calendar year 1987 that is attributable to a decrease in federal aid to impacted areas.

### **1987-382-38**

SECTION 38. (a) Notwithstanding IC 21-3-1.6, and subject to the amount appropriated by the general assembly for funding state tuition support, the state distribution for calendar year 1989 for tuition support to each school corporation equals the result determined in SECTION 48(b) of this act.

(b) Using the following formula, determine the school corporation's total available revenue for 1988, including state tuition support, property taxes, and money for new facilities, but excluding any increase in the school corporation's maximum general fund ad valorem property tax levy for taxes first due and payable during calendar year 1988 that is attributable to a decrease in federal aid to impacted areas:

STEP ONE: Add:

- (A) total state distribution for tuition support that the school corporation actually received in the 1988 calendar year; plus
- (B) the maximum general fund ad valorem property tax levy the school corporation may impose by law for taxes first due and payable during calendar year 1988.

STEP TWO: Subtract:

- (A) the STEP ONE sum; minus
- (B) any portion of the school corporation's maximum general fund ad valorem property tax levy for taxes first due and payable during calendar year 1988 that is attributable to:
  - (i) an increase in the 1988 levy due to a decrease in federal

aid to impacted areas; or  
(ii) the passage, after 1983, of a referendum for an excessive property tax levy.

#### **1987-382-43**

SECTION 43. Using the following formula, determine the state tuition support necessary to guarantee a five percent (5%) increase in total available revenue and for those school corporations receiving tuition support due to the guarantee, determine the amount of state tuition support necessary to recognize the growth, if any, in special and vocational education enrollment:

STEP ONE: Add:

- (A) the SECTION 42 result; plus
- (B) the school corporation's 1989 net adjusted general fund levy.

STEP TWO: Multiply:

- (A) the SECTION 38(b) result; by
- (B) one and five-hundredths (1.05).

STEP THREE: Determine the greater of zero (0) or the remainder of:

- (A) the STEP TWO product; minus
- (B) the STEP ONE sum.

STEP FOUR: Determine the greater of zero (0) or the remainder of:

- (A) the 1989 additional pupil count of the school corporation; minus
- (B) the 1988 additional pupil count of the school corporation.

If the amount determined in STEP THREE is zero (0) for a school corporation, the STEP FOUR result for that school corporation is zero (0).

STEP FIVE: Determine the product of:

- (A) seventy-five hundredths (0.75); multiplied by
- (B) one thousand five hundred sixty dollars (\$1,560); multiplied by
- (C) the 1989 teacher ratio; multiplied by
- (D) the STEP FOUR result.

STEP SIX: Add:

- (A) the STEP THREE amount; plus
- (B) the STEP FIVE product.

STEP SEVEN: Add:

- (A) the SECTION 42 result; plus
- (B) the STEP SIX result.

#### **1987-382-46**

SECTION 46. (a) A school corporation may receive an increase in state tuition support if its enrollment has increased. A school corporation qualifies for an increase in state tuition support under subsection (b) if the school corporation has had at least a ten percent (10%) increase in enrollment since 1984 using the percentage increase in ADM from 1984 ADM to 1989 ADM. However, if a school corporation has its 1989 maximum general fund property tax levy

reduced under SECTION 20 of this act, the school corporation's STEP TWO quotient is one and five-hundredths (1.05) for purposes of subsection (b), STEP THREE.

(b) For each qualifying school corporation, use the following formula and determine the amount of state tuition support necessary for the school corporation to achieve the same percentage increase in total available revenue per pupil for the 1989 calendar year as the percentage increase in total available revenue from the 1988 calendar year to the 1989 calendar year:

STEP ONE: Add:

- (A) the SECTION 45 result; plus
- (B) the school corporation's 1989 net adjusted general fund levy as reduced under SECTION 20 of this act.

STEP TWO: Divide:

- (A) the STEP ONE sum; by
- (B) the SECTION 38(b) result.

STEP THREE: Determine the product of:

- (A) the SECTION 39, STEP ONE amount; multiplied by
- (B) the STEP TWO quotient; and multiplied by
- (C) the school corporation's 1989 ADM.

STEP FOUR: Subtract:

- (A) the STEP THREE product; minus
- (B) the school corporation's 1989 net adjusted general fund levy as reduced under SECTION 20 of this act.

(c) A school corporation qualifies for an increase in state tuition support under this subsection if the school corporation does not qualify under subsection (a) and the school corporation's 1989 ADM is not less than its 1984 ADM. However, if a school corporation has its 1989 maximum general fund property tax levy reduced under SECTION 20 of this act, the school corporation's STEP TWO quotient is one and five-hundredths (1.05) for purposes of STEP THREE of this subsection. For each qualifying school corporation, use the following formula and determine the amount of state tuition support necessary for the school corporation to achieve seventy-five percent (75%) of the increase in total available revenue per pupil for the 1989 calendar year compared to the percentage increase in total available revenue from the 1988 calendar year to the 1989 calendar year:

STEP ONE: Add:

- (A) the SECTION 45 result; plus
- (B) the school corporation's 1989 net adjusted general fund levy as reduced under SECTION 20 of this act.

STEP TWO: Divide:

- (A) the STEP ONE sum; by
- (B) the SECTION 38(b) result.

STEP THREE: Determine the product of:

- (A) the SECTION 39, STEP ONE amount; multiplied by
- (B) the STEP TWO quotient; and multiplied by
- (C) the school corporation's 1989 ADM.

STEP FOUR: Subtract:

- (A) the STEP THREE product; minus
- (B) the STEP ONE sum.

STEP FIVE: Determine the product of:  
(A) the STEP FOUR remainder; multiplied by  
(B) seventy-five hundredths (0.75).

STEP SIX: Add:  
(A) the STEP FIVE product; plus  
(B) the SECTION 45 amount.

**1987-382-48**

SECTION 48. (a) Using the following formula, determine the amount of state tuition support necessary to fund two and five-tenths (2.5) additional school days per year:

STEP ONE: Add:  
(A) the SECTION 47 result; plus  
(B) the school corporation's equalization distribution under SECTION 22 of this act; plus  
(C) the school corporation's 1989 net adjusted general fund levy as reduced under SECTION 20 of this act and as increased under SECTION 22 of this act.

STEP TWO: Divide:  
(A) the STEP ONE sum; by  
(B) one hundred seventy-seven and five-tenths (177.5).

STEP THREE: Multiply:  
(A) the STEP TWO quotient; by  
(B) two and five-tenths (2.5).

(b) Subject to the amount appropriated by the general assembly for tuition support, the amount of state tuition support that a school corporation is entitled to receive in calendar year 1989 is the sum of:  
(A) the subsection (a) result; plus  
(B) the SECTION 47 result.

**1987-382-51**

SECTION 51. (a) If a school corporation's total assessed value decreases by more than fourteen percent (14%) from March 1, 1986, to March 1, 1987, the school corporation's:

(1) adjusted base levy for 1988 for purposes of SECTIONS 13, 15, 16, 18, 19, and 21 of this act; and  
(2) 1987 total available revenue for purposes of SECTIONS 27 through 37 of this act; are determined under this SECTION.

(b) A school corporation's adjusted base levy for 1988 is the school corporation's adjusted base levy for 1987 reduced by the same percentage amount that the school corporation's total assessed value decreased from March 1, 1986, to March 1, 1987.

(c) A school corporation's 1987 total available revenue for purposes of SECTIONS 27 through 37 of this act is determined using the following formula:

STEP ONE: Add:  
(A) total state distribution for tuition support that the school corporation actually received in the 1987 calendar year; plus  
(B) the maximum general fund ad valorem property tax levy the school corporation may impose by law for taxes first due and payable during calendar year 1987; minus

(C) any increase in the school corporation's maximum general fund ad valorem property tax levy for taxes first due and payable during calendar year 1988 that is attributable to a decrease in federal aid to impacted areas.

STEP TWO: Divide:

- (A) the STEP ONE result; by
- (B) the school corporation's 1987 ADM.

STEP THREE: Subtract:

- (A) the school corporation's 1987 ADM; minus
- (B) the school corporation's 1988 ADM.

STEP FOUR: Multiply:

- (A) the STEP THREE remainder; by
- (B) one-half (1/2).

STEP FIVE: Subtract:

- (A) the school corporation's 1987 ADM; minus
- (B) the STEP FOUR product.

STEP SIX: Multiply:

- (A) the STEP TWO quotient; by
- (B) the STEP FIVE remainder.

#### **1987-392-37**

SECTION 37. (a) Notwithstanding IC 33-5-38-1, as amended by this act, the judge of the Porter county court located in Valparaiso on December 31, 1987, is entitled to serve as the initial judge of the Porter superior court, county division, located in Valparaiso for a term beginning January 1, 1988, and ending December 31, 1992.

(b) The initial election of a judge of the Porter superior court, county division, located in Valparaiso is the general election to be held November 3, 1992. The person elected takes office January 1, 1993. Notwithstanding IC 33-5-38-1, as amended by this act, the person's term expires December 31, 1996.

(c) This SECTION expires January 2, 1997.

#### **1988-10-239**

SECTION 239. A municipal primary election ballot used in the municipal primary election in May 1987 is legalized and validated if it was prepared in compliance with either of the following:

- (1) IC 3-10-6-4, as it existed before April 1, 1988.
- (2) IC 3-10-6-4, as amended by this act.

#### **1988-19-8**

SECTION 8. (a) The definitions set forth in IC 4-4-8 and IC 6-1.1-39 apply to this.

(b) Notwithstanding any other law, all loans, loan agreements, or similar arrangements between the department and a qualified entity are legalized and declared valid if these loans, loan agreements, or similar arrangements have been delivered and the department has lent money according to the loans, loan agreements, or similar arrangements before the effective date of this act. All proceedings had and actions taken with respect to these loans, loan agreements, or similar arrangements are fully legalized and declared valid.

(c) Any economic development district created by any qualified entity before the effective date of this act is legalized and declared valid and is declared a special taxing district that provides special benefits to taxpayers in the economic development district by providing local public improvements that are of public use and benefit. Any indebtedness of the unit created before the effective date of this act for local public improvements shall be considered debt of the special taxing district and not the general obligation of the unit that established the economic development district.

#### **1988-27-6**

SECTION 6. The benefits accrued by an employee under 31 IAC 1-9-5 or 31 IAC 2-11-6 that are unused after June 30, 1989, may be used by the employee after June 30, 1989, in accordance with the rules required by IC 5-10-8-7(d), as amended by this act. The rules required by IC 5-10-8-7(d), as amended by this act, must provide that an employee who:

- (1) is subject to IC 5-10-8-7(d); and
- (2) has less than five (5) years of continuous full-time employment after June 30, 1989;

will be credited with special sick leave on a pro rata basis after June 30, 1989.

#### **1988-27-7**

SECTION 7. The following rules of the state personnel department are void:

- (1) 31 IAC 1-9-5.
- (2) 31 IAC 2-11-5.
- (3) 31 IAC 2-11-6.

#### **1988-101-4**

SECTION 4. (a) There is transferred from the environmental management special fund established under IC 13-7-13-2 to the asbestos trust fund established under IC 13-1-1-15, as added by this act, one hundred thousand dollars (\$100,000). The environmental management special fund shall be reimbursed one hundred thousand dollars (\$100,000) from the asbestos trust fund at a rate up to twenty-five thousand dollars (\$25,000) per year, beginning January 1, 1990, from money remaining in the asbestos trust fund at the end of each fiscal year.

(b) This SECTION expires July 1, 1996.

#### **1988-108-8**

SECTION 8. IC 13-4.1-3-3.1, as added by this act, IC 13-4.1-4-3.1, as added by this act, and the rules adopted under these sections by the natural resources commission may not be enforced if and to the extent that any federal court holds that the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201-1328) does not authorize the requirements of records searches, field investigations, or other studies in connection with application for surface coal mining operations.

**1988-109-22**

SECTION 22. There is appropriated to the oil and gas environmental fund established by IC 13-8-12 two hundred fifty thousand dollars (\$250,000) from the state general fund for its use in carrying out the purpose of IC 13-8.

**1988-134-5**

SECTION 5. (a) The actions of a school corporation taken before January 1, 1989, in acquiring any interest in real estate or a real estate improvement, under a deed that contains a reverter clause that limits the use of the property by the school corporation, are legalized.

(b) If a reversion occurs under a deed described in subsection (a), the school corporation is entitled to the improvements (or the fair market value of the improvements) made to the property by the school corporation.

**1988-147-3**

SECTION 3. The repeal of IC 23-4-2 by this act does not impair, or otherwise affect, the organization or the continued existence of a limited partnership existing before July 1, 1988, nor does this repeal impair any contract or affect any right accrued before July 1, 1988.

**1988-149-7**

SECTION 7. (a) SECTIONS 1 through 4 of this act apply to the accrual of interest after June 30, 1988, on any part of a judgment that is unpaid after June 30, 1988, even if the judgment was rendered before July 1, 1988.

(b) SECTION 5 of this act does not apply to actions accruing before July 1, 1988.

**1988-150-2**

SECTION 2. This act does not apply to sales, leases, transfers, or replacements made before the effective date of this act.

**1988-150-3**

SECTION 3. The disclosure required by IC 24-5-13-9, as added by this act, is not required before July 1, 1988.

**1988-163-6**

SECTION 6. IC 27-6-8-4, as amended by this act, and IC 27-6-8-7, as amended by this act, apply to cases involving an order of liquidation entered after June 30, 1988. For cases involving an order of liquidation entered before July 1, 1988, the laws that apply are IC 27-6-8-4 and IC 27-6-8-7, as in effect before July 1, 1988, as if this act had not been enacted.

**1988-169-12**

SECTION 12. This act applies to guardianships in existence on June 30, 1989, except to the extent that application of this act would contravene any vested or contractual rights in effect on June 30, 1989, in which event the law in effect before July 1, 1989, prevails.

**1988-170-3**

SECTION 3. This act does not apply to actions filed under IC 31-1-11.5-3 that are filed before July 1, 1988.

**1988-175-3**

SECTION 3. The provisions of this act are severable in the manner provided by IC 1-1-1-8(b).

**1988-191-2**

SECTION 2. There is appropriated to the St. Joseph River basin commission fifteen thousand dollars (\$15,000) from the state general fund for its use in carrying out the purposes of IC 36-7-6.2.

**1988-197-2**

SECTION 2. This act applies to all officeholders holding office on the effective date of this act.

**1988-202-2**

SECTION 2. (a) The department of administration shall have a deed prepared to convey to the University of Evansville the real estate conveyed to the university under Acts 1978, amended by Acts 1979, of SECTION 1 of this act. The governor shall sign the deed. The deed shall be attested by the department of administration, and the department of administration shall have the seal of the state affixed to the deed. The department of administration shall deliver the completed deed to the University of Evansville.

(b) The governor and the department of administration shall complete the actions required by subsection (a) before September 1, 1988.

(c) This SECTION expires January 1, 2000.

**1988-206-1**

SECTION 1. (a) The governor and the commissioner of the department of administration are authorized and directed on behalf of and in the name of the state to convey to the Southwestern Indiana Mental Health Center, Inc. (referred to as "the Center" in this act) for occupancy by the Center to be used for programs that promote mental health or treat mental illness and for no other purpose, all right, title, and interest of the state in the real estate that is described as follows:

Part of the Northeast Quarter of Section 26, Township 6 South, Range 10 West, in Vanderburgh County, Indiana, more particularly described as follows:

Beginning at a point on the west line of said quarter section south 00 degrees 53 minutes 06 seconds west 250.37 feet from the northwest corner of said quarter section; thence for the next three calls along the south right-of-way of State Road 66 (as recorded in Deed Record 1, Card 20809 in the office of the Recorder of Vanderburgh County): (1) north 71 degrees 52 minutes 03 seconds east 101.79 feet; (2) along a curve 2.24 feet concave to the south having a radius of 11334.16 and a chord of 2.24 feet bearing south 87 degrees 49 minutes 22 seconds east; (3) south 87



degrees 49 minutes 02 seconds east, parallel with the north line of said quarter section, 501.46 feet; thence south 00 degrees 53 minutes 06 seconds west, parallel with the west line of said quarter section, 350.09 feet; thence north 87 degrees 49 minutes 02 seconds west, parallel with the north line of said quarter section, 599.95 feet; thence north 00 degrees 53 minutes 06 seconds east along the west line of said quarter section 314.74 feet to the point of beginning, containing 4.782 acres (208,282 square feet). Subject to an easement 25 feet in width along the west side for ingress and egress to the State Hospital complex.

(b) The governor and the commissioner of the department of administration are authorized and directed on behalf of and in the name of the state to convey to the Center for ingress and egress to and from the property described in subsection (a) an easement in the real estate that is described as follows:

Part of the Northwest Quarter of Section 26, Township 6 South, Range 10 West, in Vanderburgh County, Indiana, more particularly described as follows:

Beginning at a point on the east line of said quarter section south 00 degrees 53 minutes 06 seconds west 250.37 feet from the northeast corner of said quarter section line at its intersection with the south right-of-way line for State Road 66 (as recorded in Deed Record 1, Card 20809); thence continue south 00 degrees 53 minutes 06 seconds west along the east line of said quarter section 314.74 feet; thence north 87 degrees 49 minutes 02 seconds west 25.01 feet; thence north 00 degrees 53 minutes 06 seconds east, parallel with the east line of said quarter section, 305.56 feet to the south line of the State Road 66 right-of-way; thence north 71 degrees 52 minutes 03 seconds east along the south line of the State Road 66 right-of-way 26.44 feet to the point of beginning.

(c) Upon the taking effect of this act, the commissioner of the department of administration shall have a deed prepared to convey to the Center the real estate and easement described in subsections (a) and (b). The governor shall sign the deed. The deed shall be attested by the commissioner of the department of administration, who shall have the seal of the state affixed to the deed. The commissioner of the department of administration shall deliver the completed deed to the Center.

(d) All rights in the real estate transferred under this SECTION shall revert to the state upon any occupancy or use of the real estate by any person for any purpose other than those described in this. The reversionary interest of the state of Indiana described under this subsection is subject to any recorded liens and encumbrances on the real estate transferred under this SECTION that result from an unsatisfied indebtedness incurred by the Center to improve the real estate to carry out the purposes described in subsection (a). The provisions of this subsection shall be included in the deed.

#### **1988-206-2**

SECTION 2. (a) The governor and the commissioner of the department of administration are authorized and directed on behalf of

and in the name of the state to convey to the Associated Patient Services, Industries (referred to as "APS" in this act) for occupancy by APS to be used for a vocational rehabilitation workshop and for no other purpose, all right, title, and interest of this state in the real estate that is described as follows:

Part of the Northwest Quarter of Section 26, Township 6 South, Range 10 West, in Vanderburgh County, Indiana, more particularly described as follows:

Commencing at the northeast corner of said quarter section; thence north 88 degrees 51 minutes 14 seconds west along the north line of said quarter section 1281.04 feet; thence south 01 degrees 09 minutes 34 seconds west 179.67 feet to the point of beginning, said point being on the south right-of-way of State Road 66 (as recorded in Deed Record 1, Card 20809 in the Office of the Recorder of Vanderburgh County, Indiana) at the center of a 50 foot opening in the limited access right-of-way; thence south 88 degrees 50 minutes 26 seconds east along the south right-of-way of State Road 66 376.20 feet; thence south 01 degrees 09 minutes 34 seconds west 267.05 feet; thence north 78 degrees 10 minutes 30 seconds west 382.81 feet; thence north 01 degrees 09 minutes 34 seconds east 196.20 feet to the point of beginning, containing 2.00 acres (87,137 square feet). Subject to an easement 25 feet in width along the west side for ingress and egress to the State Hospital complex.

(b) The governor and the commissioner of the department of administration are authorized and directed on behalf of and in the name of the state to convey to APS for ingress and egress to and from the property described in subsection (a) an easement in the real estate that is described as follows:

Part of the Northwest Quarter of Section 26, Township 6 South, Range 10 West, in Vanderburgh County, Indiana, more particularly described as follows:

Commencing at the northeast corner of said quarter section; thence north 88 degrees 51 minutes 14 seconds west along the north line of said quarter section 1281.04 feet; thence south 01 degrees 09 minutes 34 seconds west 179.67 feet to the point of beginning, said point being on the south right-of-way of State Road 66 (as recorded in Deed Record 1, Card 20809 in the office of the Recorder of Vanderburgh County, Indiana) at the center of a 50 foot opening in the limited access right-of-way; thence continue south 01 degrees 09 minutes 34 seconds west 196.20 feet; thence north 78 degrees 10 minutes 30 seconds west 25.44 feet; thence north 01 degrees 09 minutes 34 seconds east 191.49 feet to a point on the south right-of-way line for State Road 66 and the west end of an opening in the limited access right-of-way previously described; thence south 88 degrees 50 minutes 26 seconds east along the south line of the State Road 66 right-of-way 25.00 feet to the point of beginning.

(c) Upon the taking effect of this act, the commissioner of the department of administration shall have a deed prepared to convey to APS the real estate and easement described in subsections (a) and (b).

The governor shall sign the deed. The deed shall be attested by the commissioner of the department of administration, who shall have the seal of the state affixed to the deed. The commissioner of the department of administration shall deliver the completed deed to APS.

(d) All rights in the real estate transferred under this SECTION shall revert to the state upon any attempted occupancy or use of the real estate by any person or for any purpose other than those described in this SECTION. The reversionary interest of the state of Indiana described in this subsection is subject to any recorded liens and encumbrances on the real estate transferred under this SECTION that result from an unsatisfied indebtedness incurred by APS to improve the real estate to carry out the purposes described in subsection (a). The provisions of this subsection shall be included in the deed.

#### **1988-209-1**

SECTION 1. The definitions found in SECTION 1 apply to this Act. Any reduction in appropriation levels found in P.L.396-1987(ss) or in other substantive law will appear in parenthesis.

#### **1988-209-2**

SECTION 2. For the conduct of state government, its offices, funds, boards, commissions, departments, societies, associations, services, agencies and undertakings, and for other appropriations not otherwise provided by statute, the following sums in SECTIONS 3 through 14 are appropriated or allocated from the general fund of the state of Indiana or other specifically designated funds.

#### **1988-209-3**

SECTION 3. The following capital deficiency appropriation is made in addition to the appropriations made in SECTION 28:

HEALTH AND HUMAN SERVICES A. MENTAL HEALTH  
DEPARTMENT OF MENTAL HEALTH COMMUNITY  
DEVELOPMENTAL DISABILITY CENTERS Adams-Wells  
ARC..... 1,308,608

All provisions of appropriation of these funds.

#### **1988-209-4**

SECTION 4. The following appropriations are made in addition to those found in Year 1988-89 FOR

THE LEGISLATIVE COUNCIL AND THE LEGISLATIVE  
SERVICES AGENCY Legislator and Lay Member Travel.....

36,500 FOR THE LEGISLATIVE COUNCIL CONTINGENCY FUND

Total Operating Expense..... 460,000 FOR THE

GOVERNOR'S OFFICE CORPORATION FOR INDIANA'S  
INTERNATIONAL ECONOMIC FUTURE AMBASSADORS IN

EDUCATION Total Operating Expense..... 125,000

PARTNERS IN EXPORT Total Operating Expense.....

150,000 FOR THE AUDITOR OF STATE LOCAL JUDGES

SALARIES Personal Services..... 112,939 FOR THE

AUDITOR OF STATE MANAGEMENT INFORMATION DIVISION

Other Operating Expense..... 750,000 FOR THE STATE

BOARD OF ACCOUNTS IMMEDIATE FORMER GOVERNOR'S  
EXPENSES Total Operating Expense..... 50,000

The above appropriation is to be used to pay for necessary administrative expenses incurred in winding up the affairs of the former governor's office and in performing such other activities as are a direct result of his having been governor of Indiana. FOR THE DEPARTMENT OF REVENUE MOTOR FUEL TAX DIVISION  
Personal Services..... 721,320 Other Operating  
Expense..... 322,680

The above amounts are appropriated from the motor carrier regulation fund. With the approval of the governor and the state budget agency, the above appropriations for the department of revenue, motor fuel tax division may be augmented from revenue accruing to the motor carrier regulation fund established by HEA 1170, SECTION 6 OF THE 1988 REGULAR SESSION OF THE GENERAL ASSEMBLY as amended by HEA 1226, SECTION 19 OF THE 1988 REGULAR SESSION OF THE GENERAL ASSEMBLY.

**1988-209-5**

SECTION 5. The following appropriation is made in addition to that found in Year 1988-89 FOR THE INDIANA STATE POLICE AND MOTOR CARRIER INSPECTION  
Personal Services..... 1,190,924 Other Operating  
Expense..... 465,433

The above appropriation is made from the motor carrier regulation fund.

**1988-209-6**

SECTION 6. The following appropriations are made in addition to those found in Year 1988-89 FOR THE DEPARTMENT OF COMMERCE INTERNATIONAL TRADE  
SHOWS Total Operating Expense..... 200,000 LEADS  
Total Operating Expense..... 50,000 KOREAN OFFICE  
Total Operating Expense..... 50,000 INTERNATIONAL  
TRADE DIVISION Total Operating Expense.....  
100,000 FOR THE INDIANA OFFICE OF OCCUPATIONAL  
DEVELOPMENT DISLOCATED WORKERS PROGRAM Total  
Operating Expense..... 1,300,000

**1988-209-7**

SECTION 7. The following appropriations are made in addition to those found in Year 1988-89 FOR THE STATE BOARD OF HEALTH AIDS EDUCATION  
Personal Services..... 492,804 Other Operating  
Expense..... 208,196

The above appropriation is made pursuant to the provisions of SEA 9 OF THE 1988 REGULAR SESSION OF THE GENERAL ASSEMBLY. FOR THE STATE DEPARTMENT OF PUBLIC WELFARE MEDICAID--CURRENT OBLIGATIONS Total  
Operating Expense..... 2,903,287

Of the above appropriation, \$150,000 is appropriated from the state

hospital care for the indigent fund as established by IC 12-5-6-16, as added by MEDICAID--ADMINISTRATION Total Operating Expense..... 39,473 CRIPPLED CHILDREN'S DIVISION Total Operating Expense..... (1,350,000)

It is the intent of the general assembly that the amount of money transferred by the state board of health to the state department of public welfare for the crippled children's division, which money is used for the crippled children's program and SSI disabled children, from the maternal and child health block grant shall not be less than thirty five percent (35%) of the federal allocation received for the maternal and child health block grant received from the federal government for FY 1988-89. FOR THE DEPARTMENT OF HUMAN SERVICES PROJECT SAFE PLACE Total Operating Expense..... 125,000

#### 1988-209-8

SECTION 8. The following appropriation is made in addition to those found in FOR THE INDIANA UNIVERSITY-PURDUE UNIVERSITY AT INDIANAPOLIS (IUPUI) Fee Replacement..... 500,000

The above appropriation shall not be allotted until Indiana University enters into an agreement with the state budget agency to the effect that in the event that Indiana University receives income under agreements with University Development Group I, fifty percent (50%) of that revenue will be paid to the state (or offsetting reductions be made to the fee replacement appropriations) up to a maximum of two million, five hundred thousand dollars (\$2,500,000). The trustees of Indiana University are authorized, subject to the approvals required by IC 20-12-5.5 and IC 20-12-6-15, to use any balances in the building facilities fund to make principal and interest payments on the obligations incurred with respect to the conference center project.

#### 1988-209-9

SECTION 9. The following appropriations are made in addition to those found in Year 1988-89  
ELEMENTARY AND SECONDARY EDUCATION FOR THE DEPARTMENT OF EDUCATION - - ADMINISTRATION/SERVICES SCHOOL IMPROVEMENT AND PERFORMANCE GOVERNOR'S SCHOLARS ACADEMY Total Operating Expense..... 250,000 ADMINISTRATION AND FINANCIAL MANAGEMENT CENTER FOR ADMINISTRATION AND FINANCIAL MANAGEMENT Other Operating Expense..... 98,990

#### 1988-209-10

SECTION 10. The following appropriations are made in addition to those found in Year 1988- 89  
HIGHER EDUCATION INDIANA UNIVERSITY--BLOOMINGTON CAMPUS Total Operating Expense Allocation..... 6,358 INDIANA UNIVERSITY--REGIONAL CAMPUSES EAST Total Operating Expense Allocation..... 7,486 KOKOMO Total

Operating Expense Allocation.....	22,514	NORTHWEST
Total Operating Expense Allocation.....	21,178	SOUTH
BEND Total Operating Expense Allocation.....	3,910	
SOUTHEAST Total Operating Expense Allocation.....	8,574	
T O T A L   A P P R O P R I A T I O N S - -   R e g i o n a l		
Campuses.....	63,662	INDIANA
UNIVERSITY-PURDUE UNIVERSITY AT INDIANAPOLIS (IUPUI)		
Total Operating Expense.....	69,783	INDIANA
UNIVERSITY-PURDUE UNIVERSITY AT FORT WAYNE Total		
Operating Expense.....	68,555	PURDUE
UNIVERSITY-LAFAYETTE CAMPUS Total Operating		
Expense.....	103,135	PURDUE
UNIVERSITY-REGIONAL CAMPUSES CALUMET Total Operating		
Expense Allocation.....	35,858	NORTH CENTRAL
Operating Expense Allocation.....	19,580	TOTAL
APPROPRIATIONS-- Regional Campuses.....		
55,438	INDIANA STATE UNIVERSITY	Total Operating
Expense.....	18,476	UNIVERSITY OF SOUTHERN
INDIANA Total Operating Expense.....	12,589	BALL
STATE UNIVERSITY Total Operating Expense.....		
30,242	VINCENNES UNIVERSITY	Total Operating
Expense.....	252,225	INDIANA VOCATIONAL
TECHNICAL COLLEGE Total Operating Expense.....		
819,537	ELEMENTARY AND SECONDARY EDUCATION FOR	
T H E   D E P A R T M E N T   O F   E D U C A T I O N - -		
A D M I N I S T R A T I O N / S E R V I C E S   S C H O O L   I M P R O V E M E N T   A N D		
P E R F O R M A N C E   V O C A T I O N A L   E D U C A T I O N   P e r s o n a l		
Services.....	535,224	Other Operating
Expense.....	138,616	OTHER EDUCATION FOR THE
COMMISSION ON VOCATIONAL AND TECHNICAL		
EDUCATION Personal Services.....	(57,575)	Other
Operating Expense.....	131,009	

#### 1988-209-11

SECTION 11. The following allocations of federal funds available for vocational education under the Carl D. Perkins Vocational Education Act (20 U.S.C. 2301 et seq.) are made under IC 20-1-18.3-15. These federal funds shall be received by the commission on vocational and technical education and distributed to the following agencies in accordance with the allocations specified below:

	Year	1988-89	FOR
THE COMMISSION FOR HIGHER EDUCATION	INDIANA		
UNIVERSITY BLOOMINGTON CAMPUS	Total Operating		
Expense Allocation.....	76, 826	INDIANA UNIVERSITY -	
REGIONAL CAMPUSES	EAST	Total Operating	
Expense Allocation.....	17, 095	KOKOMO	Total Operating
Expense Allocation.....	43, 649	NORTHWEST	Total
Operating Expense Allocation.....	54, 763	SOUTH BEND	
Total Operating Expense Allocation.....	16, 913		
SOUTHEAST	Total Operating Expense Allocation.....	29,	
956	INDIANA UNIVERSITY-PURDUE UNIVERSITY	AT	

INDIANAPOLIS (IUPUI)	Total Operating Expense
Allocation..... 157, 700	INDIANA UNIVERSITY-PURDUE
UNIVERSITY AT FORT WAYNE	Total Operating Expense
Allocation..... 194, 068	PURDUE UNIVERSITY -
LAFAYETTE CAMPUS	Total Operating Expense
Allocation..... 315, 548	PURDUE UNIVERSITY -
REGIONAL CAMPUSES CALUMET	Total Operating Expense
Allocation..... 78, 247	NORTH CENTRAL
Operating Expense Allocation..... 65, 565	INDIANA STATE
UNIVERSITY	Total Operating Expense Allocation..... 71,
670 UNIVERSITY OF SOUTHERN INDIANA	Total Operating
Expense Allocation..... 34, 159	BALL STATE UNIVERSITY
Total Operating Expense Allocation..... 112, 836	
VINCENNES UNIVERSITY	Total Operating Expense
Allocation..... 778, 008	INDIANA VOCATIONAL
TECHNICAL COLLEGE	Total Operating Expense
Allocation..... 2,992, 191	FOR THE DEPARTMENT OF
EDUCATION: HANDICAPPED	Total Operating Expense
Allocation..... 1,624, 128	DISADVANTAGED
Operating Expense Allocation..... 2,715, 450	ADULT
TRAINING	Total Operating Expense Allocation..... 1,101,
540 SINGLE PARENT	Total Operating Expense
Allocation..... 375, 000	SEX EQUITY
Expense Allocation..... 686, 741	Total Operating

The allocations to the department of education for sex equity shall be available for secondary and postsecondary level services. The department of education shall work in cooperation with the commission for higher education to distribute these funds. CORRECTIONAL FACILITIES Total Operating Expense Allocation..... 196, 212

The allocation to the department of education for correctional facilities shall be distributed by the department of education to the department of correction for program services for criminal offenders.

QUALITY IMPROVEMENT EQUIPMENT	Total Operating
Expense Allocation..... 2,885, 242	EQUIPMENT FOR
PROGRAMS	Total Operating Expense Allocation..... 750,
000 PERSONNEL DEVELOPMENT	Total Operating Expense
Allocation..... 400, 000	CURRICULUM
Expense Allocation..... 142, 000	ARTICULATION
Operating Expense Allocation..... 200, 000	Total

The allocation to the department of education for articulation shall be administered by the department of education to work cooperatively with the commission for higher education to plan, establish, or expand articulation agreements between local education agencies and public postsecondary institution. GUIDANCE AND COUNSELING Total Operating Expense Allocation..... 314, 320 OTHER ADMINISTRATION/SERVICES Total Operating Expense Allocation..... 80, 000 COMMUNITY BASED ORGANIZATIONS Total Operating Expense Allocation..... 149, 518 CONSUMER AND HOMEMAKER EDUCATION Total Operating Expense Allocation..... 815, 019 FOR THE

DEPARTMENT OF EMPLOYMENT AND TRAINING SERVICES:

SEX BIAS	Personal Services.....	47, 117
Other Operating Expense.....	19, 377	ADULT
TRAINING	Total Operating Expense Allocation.....	1,053, 000
SINGLE PARENT	Total Operating Expense Allocation.....	1,292, 799

For fiscal year 1988-89 the department of employment and training service shall distribute funds allocated to the department for single parents to the service delivery areas in accordance with the allocation method used by the commission on vocational and technical education in fiscal year 1987-88.

GUIDANCE COUNSELING	Total Operating Expense Allocation.....	125, 000
FOR THE COMMISSION ON VOCATIONAL AND TECHNICAL EDUCATION:	ADMINISTRATION	Personal Services.....
	337, 207	Other Operating Expense.....
	198, 144	CURRICULUM
	Total Operating Expense Allocation.....	184, 000

The commission on vocational and technical education shall work cooperatively with the department of education, department of employment and training services, that the commission for higher education regarding the use of the funds allocated to the commission on vocational and technical education for curriculum.

RESEARCH/PLANNING/COORDINATION	Total Operating Expense Allocation.....	171, 539
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The commission on vocational and technical education shall work cooperatively with the department of education, commission for higher education, and the department of employment and training service to distribute funds for research, planning, and coordination in order to promote coordination and cooperation among the local education agencies, public postsecondary institutions, and private industry councils.

OTHER ADMINISTRATION/SERVICES	Total Operating Expense Allocation.....	285, 000
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All funds allocated and no longer obligated under 20 U.S.C. 2301 (Title IIB), except for the funds available for guidance and counseling, shall be reallocated as follows:

- (1) fifty percent (50%) of all funds that are allocated and no longer obligated under 20 U.S.C. 2301 (Title IIB), except for guidance and counseling, be reallocated to the department of education to the category of articulation; and
- (2) fifty percent (50%) of all funds allocated and no longer obligated under 20 U.S.C. (Title IIB), except guidance and counseling, be reallocated to the commission on vocational and technical education for the category of planning, research and coordination.

**1988-209-12**

SECTION 12. The following allocations of federal funds available for vocational education under the federal job training partnership act (29 U.S.C. 1533) are made pursuant to IC 20-1-18.3-15: ear

19 88-89	FOR THE DEPARTMENT OF EMPLOYMENT AND TRAINING SERVICES	TECHNICAL ASSISTANCE
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Total Operating Expense Allocation.....	255 ,000
ADMINISTRATION	Total Operating Expense
Allocation.....	180 ,000
WORKER READJUSTMENT	
Total Operating Expense Allocation.....	245 ,000
AT RISK/ADULT TRAINING	Total Operating Expense
Allocation.....	2,312 ,000
ADULT RETRAINING	Total
Operating Expense Allocation.....	408 ,000

### 1988-209-13

SECTION 13. In accordance with IC 20-1-18.3, the budget agency, with the advice of the commission on vocational and technical education and the budget committee, may augment or reduce an allocation of federal funds made under SECTIONS 11 or 12 of this Act.

### 1988-209-14

SECTION 14. The following authorization is made in addition to those made in CONSTRUCTION EDUCATION PURDUE UNIVERSITY Animal Disease Diagnostic Laboratory ..... 9,000,000

(a) The trustees of Purdue University, a body corporate, established under IC 20-12-36, are hereby authorized to construct a new building and related facilities, for use by the animal disease diagnostic laboratory as established under IC 15-2.1-5, on the West Lafayette campus of Purdue University, at a maximum principal cost of nine million dollars (\$9,000,000), inclusive of all construction, planning, architectural and other related costs, but excluding interest and financing charges, costs and expenses. The trustees of Purdue University are further authorized to issue bonds or other evidences of indebtedness, to provide funds for payment of said costs, in principal amounts not in excess of said maximum, pursuant to IC 20-12-6, subject to the approvals required by IC 20-12-5.5; and to pledge any of its available funds not otherwise encumbered, as may be required to secure repayment of said borrowed funds, together with interest and financing charges, costs and expenses.

(b) The Indiana department of administration, acting on behalf of the Indiana state board of animal health, in recognition of said board's statutory functions involving the animal disease diagnostic laboratory, is hereby authorized and directed to enter into a lease agreement, as lessee, with the trustees of Purdue University as lessor, covering said new building and facilities, providing for the sole use and occupancy thereof by, and for the purposes of, the animal disease diagnostic laboratory. The annual rental amounts payable to the lessor under such lease shall not be less than the amount of annual principal and interest debt service costs of the lessor, for the same annual periods, under its bonds or other evidences of indebtedness issued under subsection (a) above. The department of administration is further authorized and directed to maintain such lease, or renewals thereof, in force until the total rentals paid equal the total principal and interest debt service costs of the lessor under said bonds or other evidences of indebtedness. The trustees of Purdue University thereafter shall permit the animal disease diagnostic laboratory to occupy and use said building and facilities rent free.

**1988-209-15**

SECTION 15. All provisions governing appropriations made in P.L.396-1987(ss) apply to the provisions of this Act.

**1988-28-127**

SECTION 127. This act does not affect:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) crimes committed; or
- (4) proceedings begun;

before the effective date of this act. These rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced under prior law as if this act had not been enacted.

**1988-36-3**

SECTION 3. Notwithstanding IC 4-28-13-4(c), as amended by this act, the initial term of the task force member appointed under IC 4-28-13-4(a)(4), as amended by this act, is three (3) years.

**1988-42-5**

SECTION 5. The actions taken by a school corporation before January 1, 1988, to:

- (1) establish an employee savings plan that is a defined contribution plan qualified under Section 401(a) of the Internal Revenue Code; and
- (2) contribute amounts to the employee savings plan plan on behalf of the employee, with those amounts to be credited and allocated to the employee;

are legalized.

**1988-45-4**

SECTION 4. SECTION 1 of this act applies only to retirement benefits paid after the effective date of this act and does not require retroactive increases in any benefits paid before the effective date of this act.

**1988-46-15**

SECTION 15. (a) If the board of trustees of the public employees' retirement fund, the state, or a political subdivision of the state denied, after December 31, 1986, an employee of the state or a political subdivision who was sixty (60) years of age or older the option not to join the fund, the denial is validated.

(b) Actions taken by the board of trustees of the public employees' retirement fund before the effective date of this act that would have been valid under IC 5-10.3-7-3(a), as amended by this act, are validated.

(c) Actions taken by the public schools after December 31, 1986, and before the effective date of this act that would have been valid under IC 21-6.1-5-6, as amended by this act, are validated.

**1988-59-19**

SECTION 19. (a) Notwithstanding for purposes of adjusted general fund levy" has the meaning set forth incorporation's 1989 maximum general fund ad valorem property tax levy that is attributable to the passage, after 1983, of a referendum for an excessive property tax levy, including any increases in the levy that are attributable to the adjustment set forth in IC 6-1.1-19-1.5(a)(1) or any other law. However, a school corporation's state tuition support is not to be reduced from the amount of state tuition support that the school corporation would have received if the definition of net adjusted general fund levy had not been changed.

(b) This subsection and subsection (c) apply to any school corporation that has a portion of its 1989 maximum general fund ad valorem property tax levy attributable to the passage, after 1983, of a referendum for an excessive property tax levy. Such a school corporation is entitled to an additional state tuition support distribution for 1989 in an amount equal to the greater of:

(1) zero (0); or

(2) the difference between:

(A) the amount that the school corporation's property tax replacement credits are less for 1989 due to removing certain excessive property tax levies from the total county tax levy, as provided in IC 6-1.1-21-2(g)(1)(H); minus

(B) the amount that the school corporation's state tuition support is increased for 1989 due to the change in the definition of net adjusted general fund levy.

(c) A school corporation's maximum 1989 general fund levy is decreased by the amount that the school corporation's property tax replacement credits are less for 1989 due to removing certain excessive property tax levies from the total county tax levy, as provided in IC 6-1.1-21-2(g)(1)(H). The adjusted base levy of the school corporation for 1990 is decreased by:

(1) the amount of the decrease in the maximum levy required by this subsection; divided by

(2) the school corporation's ADA ratio, as defined in IC 6-1.1-19-1, for 1989.

#### **1988-59-24**

SECTION 24. SECTION 16 of this act applies to a school corporation's 1988 adjusted base levy and to state tuition support for 1988.

#### **1988-68-18**

SECTION 18. On the effective date of this act, all powers, duties, and liabilities of the Indiana toll finance authority are transferred to the Indiana transportation finance authority, as the successor.

#### **1988-68-19**

SECTION 19. On the effective date of this act, all records and property of the Indiana toll finance authority are transferred to the Indiana transportation finance authority, as the successor agency.

**1988-68-21**

SECTION 21. (a) All powers, duties, and liabilities of the Indiana toll finance authority with respect to revenue bonds issued by that authority in connection with any trust agreement or indenture securing those bonds are transferred to the Indiana transportation finance authority as successor.

(b) The rights of the trustee under any trust agreement or indenture and the rights of the bondholders of the Indiana toll finance authority remain unchanged, although the powers, duties, and liabilities of the Indiana toll finance authority have been transferred to the Indiana transportation finance authority.

**1988-72-11**

SECTION 11. (a) Notwithstanding IC 8-2-7-51, any money remaining in the utility regulatory commission motor vehicle account on June 30, 1988, is not transferred to the motor vehicle highway account.

(b) Notwithstanding IC 9-7-8-1 and any other law, any reciprocity taxes, fees, charges, and penalties that relate to motor carrier regulation (as defined in the following SECTION of this act) on June 30, 1988, are not transferred to the state highway fund.

(c) Notwithstanding IC 8-2.1, as added by this act, the motor carrier regulation fund described in IC 8-2.1-14 is established on July 1, 1988. The department of state revenue shall administer the fund. Money in the fund may be used to fund any of the following purposes:

- (1) Motor carrier regulation, as defined in the following SECTION of this act.
- (2) The purposes described in SECTIONS 14 through 15 of this act.
- (3) The purposes described in IC 8-2.1-14-1, as added by this act.
- (4) Enforcement activities under IC 10-1-1.5-1.

(d) On July 1, 1988:

- (1) any money in the utility regulatory commission motor carrier account described in subsection (a); and
- (2) the reciprocity fees described in subsection (b);

shall be transferred to the motor carrier regulation fund established under subsection (c).

**1988-72-16**

SECTION 16. (a) A person holding:

- (1) a valid common carrier certificate;
- (2) a valid contract carrier permit;
- (3) a valid brokerage license; or
- (4) a valid vehicle registration;

issued by the public service commission or the utility regulatory commission under IC 8-2-7 or IC 8-2-32, and valid on June 30, 1988, need not reapply for a replacement under this act. Any common carrier certificate, contract carrier permit, brokerage license, or vehicle registration issued under IC 8-2-7 or IC 8-2-32 and in effect on June 30, 1988, shall be treated after that date as though it had been issued by the department of state revenue under this act.

(b) Notwithstanding IC 8-2.1, as added by this act, a person holding:

- (1) a valid common carrier certificate;
- (2) a valid contract carrier permit;
- (3) a valid brokerage license; or
- (4) a valid vehicle registration;

issued by the public service commission, the utility regulatory commission, or the department of state revenue under IC 8-2-7 or IC 8-2-32 need not reapply for a replacement under IC 8-2.1. Any common carrier certificate, contract carrier permit, brokerage license, or vehicle registration in effect on February 28, 1990, shall be treated after that date as through it had been issued by the department of state revenue under IC 8-2.1.

#### **1988-75-7**

SECTION 7. A pledge or mortgage of innkeeper's tax revenues or property made before the effective date of this act by Monroe County or the Monroe County convention and visitor commission to secure any obligations of the county is legalized and validated.

#### **1988-83-2**

SECTION 2. (a) There is appropriated to the ratepayer protection fund established under IC 8-1-8.6, as added by P.L.83-1988, three million five hundred thousand dollars (\$3,500,000) from the state general fund for use in carrying out the purposes of IC 8-1-8.6, as added by P.L.83-1988.

(b) There is appropriated to the industrial development grant fund established under IC 4-4-12 three million dollars (\$3,000,000) from the state general fund to provide grants for industrial development programs in accordance with IC 4-4-12.

(c) This SECTION expires July 1, 2002.

#### **1988-99-32**

SECTION 32. Any license issued to a foster home, day care home, day care center, child caring institution, or children's home that:

- (1) was issued before July 1, 1988, without the approval of the state board of health; and
- (2) otherwise was issued in compliance with IC 12-3-2, as effective before July 1, 1988;

is legalized and validated.

#### **1988-99-33**

SECTION 33. (a) Waivers and variances to a rule:

- (1) adopted by the state department of public welfare; and
- (2) governing boarding homes for children, children's homes, child caring institutions, or child placing agencies;

that were granted by the state department of public welfare before July 1, 1988, are legalized and validated.

(b) Any part of a waiver or variance that:

- (1) is legalized under subsection (a);
- (2) conflicts with a building rule or fire safety rule adopted by the fire prevention and building safety commission; and

(3) is not approved by the fire prevention and building safety commission after June 30, 1988;  
is effective until the waiver or variance is disapproved by the fire prevention and building safety commission or December 31, 1988, whichever occurs first.

(c) Waivers and variances legalized under subsection (a) and in effect on June 30, 1988, expire on the earlier of the following:

- (1) The date after June 30, 1988, when the license affected by the waiver or variance expires.
- (2) The date set by the state department of public welfare for the expiration of the waiver or variance.
- (3) The occurrence of the event specified by the state department of public welfare for the expiration of the waiver or variance.
- (4) June 30, 1989.

(d) Waivers and variances legalized under subsection (a) and in effect on June 30, 1988, may be renewed under IC 12-3-2-24(b)(1), as added by this act, or IC 12-3-2-24(b)(2), as added by this act.